

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELINDA S. SEDORE,

Plaintiff,

Case No. 1:13CV849

v.

Hon. Robert J. Jonker

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

ORDER APPROVING REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Scoville's Report and Recommendation (docket #18) and the Objections to the Magistrate Judge's Report and Recommendation (docket #20). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration he or she finds it justified." 12 WRIGHT, MILLER & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2D ED. 1997). Specifically, the Rules provide that:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

Fed R. Civ. P. 72(b). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed *de novo* the claims and evidence presented to the Magistrate Judge, the Report and Recommendation itself and the Objections filed. The Court finds

the Magistrate Judge's Report and Recommendation (docket # 18) is factually sound and legally correct.

The Magistrate Judge recommends the decision of the Commissioner be affirmed. In the Objections, Plaintiff primarily reiterates and expands arguments made in the initial brief. The Report and Recommendation already carefully, thoroughly, and accurately addresses each of those arguments. Nothing in Plaintiff's Objections adds to or otherwise changes the analysis. The Magistrate Judge correctly concluded that substantial evidence supports the ALJ's decision.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (docket #18) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the decision of the Commissioner is **AFFIRMED**.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: August 13, 2014